
In re Patent Application of:
Per Hofvander, et al.

Conf. No.: 1628

Application No.: 10/547,660

Group Art Unit: 1638

Filed: September 1, 2005

Examiner: Page, Brent T.

For: ENHANCED AMYLOSE PRODUCTION IN
PLANTS

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 7, 2006, Applicants provisionally elect Group II (claims 1-5, 6-7 in part, 9-11 in part, 13 and 16-27) and the sequence of SEQ ID NO: 3, and the corresponding polypeptide SEQ ID NO: 4, with traverse. Reconsideration and withdrawal of the restriction requirement is strongly urged for the following reasons.

The Claimed Inventions Share a Special Technical Feature

Because this application is a national stage filing pursuant to 35 U.S.C. § 371, unity of invention under PCT Rule 13.1 and 13.2 is the applicable standard. Unity of invention is fulfilled “when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical feature. The expression ‘special technical feature’ shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.” (PCT Rule 13.2).

The Examiner argues that the inventions of Group I-VII do not relate to a “special technical feature” which defines a contribution over the prior art, citing Tanaka et al. (Plant